



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, WA 98101

January 11, 2008

Reply to
Attn Of: ETPA-088

Ref: 04-066-BLM

Gary Reimer, Field Manager
Bureau of Land Management
Anchorage Field Office
ATTN: Bay Proposed RMP/EIS
6881 Elmore Road
Anchorage, Alaska 99507

Dear Mr. Reimer:

The U.S. Environmental Protection Agency (EPA) has reviewed the **Bureau of Land Management (BLM) Bay Proposed Resource Management Plan and Final Environmental Impact Statement (RMP/EIS)** (CEQ No. 20070511). These comments are provided in accordance with our responsibilities and authorities under Section 309 of the Clean Air Act (CAA) and the National Environmental Policy Act (NEPA).

In our February 5, 2007, comment letter on the Bay Draft RMP and EIS, EPA expressed concerns with the BLM's preferred alternative (Alternative D) due to the limited number of special designations in the preferred alternative; uncertainty regarding the effectiveness of proposed Required Operating Procedures (ROPs) and Stipulations, especially relating to future management of lands open to mineral, oil, and gas exploration and development; the adequacy of consultation with federally-recognized tribal governments; the completeness of the environmental justice analysis; and the limited consideration of Bristol Bay oil and gas development, as well as nearby mineral exploration development in future years. EPA recommended additional management measures and monitoring to ensure compatibility of uses, with subsistence uses maintained as a priority for the entire planning area. EPA also suggested that adaptive management strategies be employed to allow for evolving policy when existing practice is determined to be inadequate. Finally, EPA encouraged BLM to reconsider selecting Alternative C as its preferred alternative because it would have the least potential to impact physical and biological resources, and identified uses would be most restrictive.

EPA realizes the challenges of managing areas for multiple uses and recognizes the efforts BLM undertook to revise the RMP/draft EIS in response to public comments. The changes made to the RMP/draft EIS between draft and final reflect the great effort that has been put forth in working with interested stakeholders, and modifying the RMP/draft EIS in response to public and agency comments. EPA commends BLM for providing the "*Changes from Draft to Final*" section in the FEIS (pages ix-xi) and the use of grey-tone highlighting to show revisions from the draft to final document. The "*Response to Comments*" section (Appendix I) is also very organized and complete.

In general, the Response to Comments section and revisions to the RMP/final EIS address our concerns. While BLM retained Alternative D as its preferred alternative, we appreciate the modifications to the environmental justice analysis; the addition of a section on cumulative effects related to climate change; additional information on oil, gas, and mineral developed in the RMP; as well as BLM's consideration of alternative and renewable energy facilities where economically feasible. We also appreciate the incorporation of many of our suggested edits and revisions. EPA is also pleased that a monitoring plan will be developed and submitted in the ROD. We continue to advocate for the inclusion of general performance criteria for the abandonment, removal and reclamation activities in the Record of Decision (ROD).

Although additional information was added to the Consultation and Coordination section of the final EIS, it is still unclear if tribal consultation has occurred as required by Executive Order 13075. EPA recommends that a discussion of these efforts be included in the ROD. We also believe the ROD should assure the public that any project tiered to the RMP/EIS, which is likely to result in significant impacts to resources within the RMP area, would be subject to further NEPA analysis, including public involvement.

Thank you for the opportunity to provide comments on the Bay Proposed RMP and Final EIS. If you have questions or would like to discuss these comments, please contact Jennifer Curtis of my staff in the EPA Alaska Operations Office in Anchorage at (907) 271-6324 or curtis.jennifer@epa.gov.

Sincerely,

/s/

Christine Reichgott, Manager
NEPA Review Unit